IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.118 of 2007
MANOJ KUMAR
Versus
STATE OF BIHAR & ANR
---

4. 31.7.2008. Heard the learned counsel for both the parties.

It appears that the opposite party no.2 Dhanwanti Devi filed Maintenance Case under section 125 Cr.P.C. before the court of S.D.J.M., Bettiah which was latter on transferred to the court of Principle Judge, Bettiah. In that very case, the petitioner was directed to pay maintenance of Rs.2,000/- per month to the opposite party no.2 as well as Rs.1000/- per month to her son. The petitioner Manoj Kumar also filed matrimonial case before the court of Motihari which was ultimately transferred to the court of Principal Judge, Motihari. In that very case, the petitioner was directed to pay interim maintenance at the rate of Rs.2500/-.

WEB COPY
NOT OFFICIAL

It further appears that vide order dated 22.11.2005, the learned Principal Judge, Family Court, Bettiah ordered for adjustment of the maintenance amount of Rs.2,000/- against interim maintenance in matrimonial proceeding. Thus the opposite party is entitled to get the maintenance of Rs.1,000/- per month only in a proceeding under section 125 Cr.P.C. as the maintenance of her child from the date of order as directed vide order dated 11.8.2005 (Annexure-3).

The learned counsel for the petitioner submits that he is ready to pay the maintenance amount at the rate of Rs.1,000/- per month to the opposite party no.2 from the date of order. It is further submitted that some amount has already been paid and he undertakes

to pay the entire dues within six months from the date of this order at equal instalment.

Under the facts and circumstances, the court below is directed to calculate the exact dues amount to be paid by this petitioner to the opposite party no.2 which shall be paid in six monthly instalment by the petitioner. If the petitioner fails to pay any instalment within the period fixed by the lower court, the lower court shall take appropriate steps against the petitioner for its recovery in accordance with law.

Accordingly, this application stands disposed of.

(Ghanshyam Prasad)

N.H./

WEB COPY NOT OFFICIAL